

Geothermal Energy Development Regulatory Overview

NPS Western Energy Summit
January 21–23, 2003

National Park Service
U.S. Department of the Interior

Geologic Resources Division
www2.nature.nps.gov/grd



Bureau of Land Management Lands

As with the other onshore energy resources, the Bureau of Land Management serves as the federal government's leasing agent for geothermal resources on federal lands. The process, which has both a competitive and noncompetitive component, is similar to the process governing oil and gas leasing on federal land. In this arena, Congress has accorded two levels of protection to park geothermal resources. First, lands within all National Park System units are off limits to federal geothermal leasing. Second, federal leasing outside the boundaries of 16 park units (*Mount Rainer NP, Crater Lake NP, Yellowstone NP,*

John D. Rockefeller Jr. Memorial Parkway, Bering Land Bridge NP, Gates of the Arctic NP & Pres, Katmai NP, Aniakchak NM & Pres, Wrangell-St. Elias NP & Pres, Lake Clark NP & Pres, Hot Springs NP, Big Bend NP, Lassen Volcanic NP, Hawaii Volcanoes NP, Haleakala NP, and Lake Mead NRA. See 30 USC §1026(a)) with designated special thermal features triggers special mitigation measures, including a possible bar to lease issuance. In other NPS units, NPS staff must look to BLM's planning and NEPA processes as the forums for raising park protection concerns.

Statutes

Geothermal Steam Act of 1970, as amended in 1988, 30 U.S.C. §1000 et seq.:

Authorizes the Secretary of the Interior to issue both competitive and noncompetitive leases for geothermal resources on federal lands. Certain lands, including lands within units of the National Park System, are closed to federal geothermal leasing. In the 1988 amendments, Congress accorded special protection to significant thermal features in 16 park units from leasing outside park boundaries.

§1026(a)-- if the Secretary determines that the exploration, development or utilization of a potential lease would result in a significant adverse effect on a formally listed thermal

feature in a park, the Secretary shall not issue such lease.

§1026(d)--the Secretary shall include stipulations in all leases and permits necessary to protect the listed features in parks.

§1026(b)-- the Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System. As part of that program, the NPS in cooperation with the USGS shall carry out a research program to collect and assess data on the geothermal resources in parks, first focusing on significant thermal features near areas with current or proposed geothermal development.

Regulations

30 CFR Part 3200: BLM's geothermal leasing regulations. These regulations govern leasing on open federal lands, including lands managed by the US Forest Service. The regulations in this Part use a Q and A format. Key provisions for park managers are as follows:

§3200.4--States that any action or operation under the regulations must comply with the Act. This includes the above park protection provisions.

§3201.10--Identifies what lands are available for federal geothermal leasing

§3201.10(a)(2)--States that BLM needs the concurrence of the Department of Agriculture before issuing geothermal leases for lands (e.g., national forests) under that Department's jurisdiction.

§3201.10(b)--States that if activities under a lease or permit might adversely affect a significant thermal feature of a NPS unit, BLM will include stipulations to protect the feature. This provision is operative when a lease or permit is issued, extended, renewed or modified.

§3201.11(b)--States that land within units of the National Park System are not open to federal geothermal leasing.

§3201.11(d)--States that BLM can not issue leases on lands where the Secretary has determined that geothermal development could reasonably likely result in a significant adverse effect on a significant thermal feature in a park.

Note: Exactly how such a determination shall be made is contained in an Interagency Agreement

**Regulations
(continued)**

with NPS, BLM, USGS and FS. Unfortunately, that agreement expired in 1992. Nonetheless, some BLM state offices have continued to adhere to its terms. Efforts are underway to renew the agreement.

§3204--Governs noncompetitive leasing in which an interested party, on its own initiative, applies to the BLM for a lease.
§3205--Sets forth the provisions governing competitive leasing.